

3:12cv737

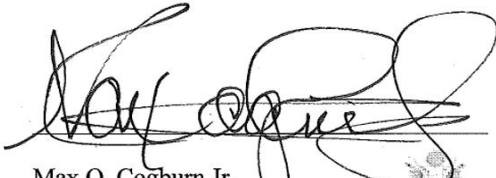
Defendants.

(2) submitting any proposed Order via Cyberclerk (if the parties wish that the proposed Order be used) or annexed to the motion as an exhibit

ORDER

IT IS, THEREFORE, ORDERED that the “Stipulation and Proposed Order for Partial Dismissal” (#15) is deemed to be a Motion for Approval of a Proposed Stipulation of Dismissal of Less than the Entire Case, made in accordance with Rule 41, Federal Rules of Civil Procedure, which is **GRANTED**, and Count Two of the Complaint as well as any class allegations under Rule 23 related to Count Two are **DISMISSED** without prejudice, each party bearing their own costs. Defendants’ Motion to Dismiss (#7) is **DENIED** as moot.

Signed: January 3, 2013



Max O. Cogburn Jr.
United States District Judge